

REMARKS

Claims 1-63 were rejected by the Examiner in the Office Action dated July 9, 2008. Claims 54-63 are canceled without prejudice. Reconsideration of all all pending claims is requested in light of the following arguments.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 5, 7-14, 19-23, 25, 28-31, 36-37, 41-44, 49, 54-60 and 62-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,285,048 to Karmakar ("Karmakar") in view of U.S. Patent Publication No. 2003/0092489 to Veradej ("Veradej").

Claims 2-4, 6, 15-18, 24, 26-27, 32-35, 38-40, 45-48, 50-53 and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,285,048 to Karmakar ("Karmakar") in view of U.S. Patent Publication No. 2003/0092489 to Veradej ("Veradej"), and further in view of U.S. Patent Publication No. 2003/0139190 to Steelberg et al. ("Steelberg").

It is respectfully asserted that Karmakar, alone or in combination with Veradej, fails to teach at least the claim 1 limitation of "obtaining personal information regarding said specific player from said specific player via a second mode of communication during or immediately prior to the play of a wager-based game at said mobile remote gaming terminal, said second mode of communication being separate from said first mode of communication."

The Examiner indicates that "Karmakar does not appear to teach a second communication device that communicates with a server to provide visual images of the player during or prior to game play via either the first or second mode of communication as claimed," and uses Veradej to provide the missing teachings. Office action at page 4.

However, Veradej fails to remedy the deficiency in the teachings of Karmakar. Contrary to the Examiner's assertions, Veradej does not teach usage of both a first and second mode of communication. Veradej teaches a single communication path from PC 10 to gaming server 26: a global computer network such as the internet 22. See e.g. FIG. 1 and paragraph 24. Veradej teaches that in place of PC 10, other devices such as could be used:

[0024] An interactive gaming player can access a global computer network such as the Internet from a personal computer. It is contemplated in accordance with the present invention that other devices, such as a personal digital assistant, wireless telephone, or pager, can also be used to access the Internet. Therefore, although the discussion below refers, for simplicity, to a personal computer for

accessing the Internet, it should be understood that such other devices may also be used.

Despite discussing usage of other types of devices, Veradej does not teach the claimed “second communication device.” Veradej simply teaches that a first communication device can be something other than a computer.

Futhermore, Veradej does not teach “obtaining personal information regarding said specific player from said specific player via a second mode of communication during or immediately prior to the play of a wager-based game at said mobile remote gaming terminal, said second mode of communication being separate from said first mode of communication.”

Again, Veradej, to the contrary, teaches one device communicating via the internet 22.

Additionally, contrary to the Examiner’s assertions at page 5, there is nothing within Veradej, alone or in combination with Karmarkar, that would lead one to implement the claimed “second communication device.” Veradej teaches that the biometric device 20 is a peripheral of personal computer 10 and communicates to the gaming server 26 over the same network as the personal computer 10. Veradej is unambiguous with its teachings that both the user and biometric device 20 communicate over the same connection (e.g. internet 22).

Absent impermissible hindsight, there is nothing within the teachings that would lead to the above mentioned limitations of claim 1. The Examiner’s assertion that “a wireless telephone or cellphone is configured to be interchangeable with or upgradeable from or integrable as part of a personal computer/laptop or remote portable player station and has a biometric measurement device/camera/web cam or second communication device that is in electronic communication with a gaming server” is unsupported by Veradej. Additionally even, if such a stretch were given some credence, *ad arguendo*, Veradej fails to teach usage of the “obtaining personal information regarding said specific player from said specific player via a second mode of communication during or immediately prior to the play of a wager-based game at said mobile remote gaming terminal, said second mode of communication being separate from said first mode of communication.”

The Examiner’s contention that “it would have been an obvious design choice to utilize a wireless web connection or TCP/IP internet connection because both modes of communication would worked equally as well over the internet” is also contested, as it is simply not supported by Veradej, but instead relies upon hindsight to arrive at the recitations of claim 1.

Independent claims 23 and 37 and the claims that depend therefrom are submitted to be allowable according the the above rationale with regard to independent claim 1.

The addition of Steelberg to the combination of Karmarkar and Veradej does not cure the above mentioned deficiencies.

Therefore, it is respectfully submitted that the pending claims are not properly rendered obvious by the cited references and are in condition for allowance.

Information Disclosure Statement

A Supplemental Information Disclosure Statement is being filed herewith. It is respectfully requested that this Supplemental Information Disclosure Statement be considered and the PTO Form 1449 be initialed and returned with the next Action.

CONCLUSION

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned at 510-663-1100 would be appreciated.

Respectfully submitted,
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